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DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

1747 North U.S. Highway 27
Liberty, Indiana 47353
September 24, 2010

Janet Pittman
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue MC 65-46
Indianapolis, Indiana 46204-2251

Re: #09-615(WPCB) [CFO Rulemaking]

As reported on IDEM's website: **IDEM's mission** is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial and government activities **vital to a prosperous economy**.

Having had personal experience with the NPDES CAFO permit process and reviewing the proposed new rules and IDEM's comments for confined feeding operations, we find that IDEM and those opposed to livestock operations in Indiana continue to impose burdens outside IDEM's purview. Once again IDEM favors those in opposition to livestock operations by imposing costly rules and regulations on livestock produces that are slowly squeezing the life out of livestock production in Indiana.

IDEM's rulemaking body continues to operate from the office buildings of Indianapolis and fails to understand a 24/7 livestock operation. You analyze each rule's fiscal impact as a "modest increase" yet fail to understand that imposing many "modest increases" totals substantial increases both in time and cost.

We submit the rules listed below require time and cost away from the care and proper management of the animals in the farmer's operation and do nothing to further protect the waters of the State of Indiana. Rather the rules, if not adhered to, are IDEM CFO/CAFO violations and provide further fodder for bureaucrats and those in opposition to livestock production.

On Farm Record Keeping

Farmers should not be required to copy and submit records to IDEM, rather IDEM should make on site farm reviews of the records. How are the waters of Indiana protected by copying records?

Land Application Requirements

IDEM has no business in being involved in setting the requirement of land available for application of manure or the timeframe of a land application agreement. This is an integral part of a farmer's livestock business operation and should be guided by the implementation of best practices from university and animal science sources.

Producers should not be required to submit the names nor plot plans of the owners of the manure land application areas. This same requirement is not made of farmers who apply pesticides, herbicides and other petro chemicals. And by requiring this submission IDEM and the livestock opposition hinders "sound operations of ...agricultural...activities vital to a prosperous economy." In addition, from personal experience my family and the owners of land application areas have been subjected to endless harassment by letters and newspaper articles of those opposed to livestock production. This information is neither the government's nor the livestock opposition's business and will be the slow destruction of the livestock industry in Indiana. Again, how does this further protect the waters of Indiana?

Mortality Management

Mortality management is and continues to be regulated by BOAH. It is inappropriate for IDEM to impose a second set of rules and regulations upon CFO/CAFO operations that are already sufficiently regulated by experts in animal health. Government duplicity of rules and regulations only furthers additional cost on the producer and the end cost of the product.

Ground Water Monitoring

Once again, IDEM is following anti-livestock public outcry versus proven science by requiring the monitoring and testing on a wide range of environmental considerations that have no application to livestock operations.

Storm Water Management Plans

How do storm water management plans protect the waters of Indiana? Best practices of diversions and infiltration areas are already included in the design of livestock operations and should be promoted by IDEM rather than imposing another costly plan that controls an insignificant contribution to any potential water pollution.

Manure Application: Nitrogen Loss

The application of manure and its components of nitrogen and micro nutrients are critical to crops and properly maintaining the soil of any farm. The farmer accepting the manure and the livestock operator should be the parties involved in determining what is appropriate for the land. Creating an across the board rule on nitrogen loss can easily be contrary to the extensive research done by universities and could be inappropriate for the soil type receiving the manure application.

Manure Application: Setbacks

Setbacks also referred to as zoning requirements have long been the responsibility of local government. IDEM should retain its current setback standards and allow the local community to determine its own requirements. State government and anti-livestock opposition are not the best determinants of what is appropriate for an agriculture community.

Manure Application: Phosphorus, Staging, Frozen or Snow Covered Ground

Each of the rules proposed on phosphorus, staging, and frozen or snow covered ground impose rules and regulations that are a one size fits all mentality. Each livestock operation and the land involved have their own set of particular circumstances. You are removing the ability and the personal responsibility of the farmer and livestock operator to make their own business decisions that are appropriate and particular to their operations. The stated requirements of these rules will be

costly and inappropriate for some operations and will further the potential of violations that do nothing to protect the waters of the State of Indiana.

The rulemaking process should be one of working with the farmer and livestock operator along with the best practices promoted by the agriculture industry and our universities. IDEM's rules as published continue to work against the livestock industry by imposing costly rules and regulations that are slowly squeezing the life out of livestock production in Indiana. If IDEM is committed to fulfilling its mission statement of providing for a vital, prosperous agriculture economy then you must reevaluate your analysis of these rules. It is important to repeat that the CFO draft rules require time and cost away from the care and proper management of the animals in the farmer's operation and do nothing to further protect the waters of the State of Indiana. Rather the rules, if not adhered to, are IDEM CFO/CAFO violations and provide further fodder for bureaucrats and those in opposition to livestock production.

It is our hope that you will review our comments and incorporate these ideas to enhance livestock agriculture and allows it to prosper in the agriculture communities of Indiana.

Sincerely yours,

A handwritten signature in cursive script that reads "Tom and Melanie Caldwell". The ink is dark and the signature is fluid, with a large loop for the 'M' in Melanie.

Tom and Melanie Caldwell
Greenmeadow Farms, Inc.